

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T-MOBILE WEST LLC and INDEPENDENT
TOWERS HOLDINGS, LLC,

Plaintiffs,

v.

THE CITY OF MEDINA, WASHINGTON,

Defendant.

NO. 2:14-cv-1455RSL

DECLARATION OF HEATHER
GASTELUM IN SUPPORT OF
PLAINTIFFS' AND
DEFENDANT'S REPLY IN
SUPPORT OF JOINT MOTION
FOR ENTRY OF STIPULATED
JUDGMENT

Heather Gastelum declares and states:

1. I am employed by T-Mobile as Senior Manager, Development, for the Pacific Northwest area. In this capacity I was asked by Darcey Estes, T-Mobile's West Region Development Manager, to head up a team assessing some locations suggested by Respect Medina as an alternative to the permit application submitted by Independent Towers to construct a tower in Fairweather Park owned by the City of Medina. I am over the age of 18 years, competent to testify herein, and make this declaration on personal knowledge of the facts stated.

2. I have been employed in the wireless industry for 21 years and have worked managing multiple markets developing, building and upgrading cell towers and other cell sites. My experience includes being the manager for T-Mobile Towers, a portfolio of more than

1 8,000 communications towers spread out across the country and in Puerto Rico, where I was
2 responsible for all facets of the management and operations of cell towers including
3 construction management, structural analysis reviews, structural modifications, and
4 implementing regulatory compliance programs.

5 3. I am familiar with the proposal by Independent Towers to locate an 80' tall
6 stealth monopole along with a below grade equipment shelter that would provide space for a T-
7 Mobile wireless communications facility, together with other collocated wireless facilities, at a
8 location in Fairweather Park, adjacent to the tennis courts, in the City of Medina.

9 4. I have reviewed the maps attached to the Declarations of John E. DeFeo and
10 George A. Steirer, submitted by Intervenor Respect Medina. Those maps each identify four
11 locations labeled "A", "B", "C" and "D". The DeFeo Declaration also identifies a location
12 "E". Declarants DeFeo and Steirer propose these locations as alternatives to T-Mobile's
13 collocation on the proposed Independent Towers stealth monopole.

14 5. Each of the locations identified as potential alternatives by Intervenor's
15 witnesses would require a tower much taller (at least 105 feet tall, and as much as 180 feet tall)
16 than the Independent Towers proposed 80 foot tall stealth monopole at Fairweather Park. Yet,
17 the City of Medina Code prohibits a wireless structure taller than 35 feet anywhere other than
18 in Fairweather Park. Thus, none of the locations advanced by Intervenor's are zoned to allow a
19 tower of the height needed to allow T-Mobile to fill its significant gap in wireless coverage.

20 6. Even if any of the locations were available from a legal perspective, they are all
21 infeasible for various engineering and/or other reasons.

22 7. T-Mobile has evaluated the locations identified by Intervenor's for potential
23 suitability, feasibility and constructability as alternatives for T-Mobile. The results of T-
24 Mobile's evaluation are described below.

25 8. The "unforested area of Fairweather Nature Preserve" identified as "A" on the
26 Respect Medina map consists of a roughly rectangular area some distance to the east of the
27 developed area of Fairweather Park together with a very narrow "panhandle" that extends from

1 the rectangular area back up towards Fairweather Park. The “panhandle” abuts a bike trail built
2 by WSDOT parallel to SR520. The rectangular area is located significantly downhill from
3 Fairweather Park and encompasses the WSDOT water retention and treatment facility property,
4 an ox-bow shaped paved roadway and a small patch of forested land that separates WSDOT’s
5 water treatment and retention facility from 80th Ave NE. The lower elevation within this
6 rectangular area compared with the elevation at Fairweather Park would require a tower of
7 approximately 180 feet. (See the Reply Declaration of Mr. Conroy). T-Mobile has discussed
8 this location with WSDOT, and WSDOT has indicated that this area is not an option (the
9 retaining pond and wet vault are part of WSDOT’s stormwater treatment and flow control
10 management obligations under the SR 520 project). In addition, assuming that a tower could
11 be built in this area, use of this area for wireless facilities would place a 180+ foot tall tower
12 approximately 100 feet across the street from residential homes.

13 9. The “panhandle” area of Respect Medina’s location “A” also is not a viable
14 location. The bicycle path that runs along SR 520 does not appear to be structurally capable of
15 supporting heavy trucks and machinery necessary to construct a tower, even if an acceptable
16 site could be located along the path. Based on the dense growth of trees, steep slopes, use of
17 fill materials, issues and the landscape buffer that WSDOT planted along the panhandle, I was
18 not able to locate any site on which a tower and equipment shelter could be built. Moreover,
19 WSDOT representatives communicated to me that they would not even consider allowing a
20 wireless tower and equipment along that narrow strip of land or just outside of it. Access for
21 construction and removal of trees that would be needed would not be allowed.

22 10. Respect Medina location “B”, which is the “Bellevue Christian School Parking
23 Lot/Excess Property” is significantly lower elevation than Fairweather Park and would require
24 an approximately 150 foot tall tower due to the coverage objective and ground elevation
25 change. (See Conroy Reply Declaration). The area is currently fully wooded and would
26 require removal of many mature, tall trees as well as shorter trees. My understanding is that the
27 City of Medina’s Tree Ordinance (Medina Municipal Code Chapter 20.52) significantly

1 restricts and seeks to limit the removal of trees. Moreover, this area significantly slopes from
2 south to north (down toward SR 520 sound wall), and thus would require significant fill to
3 make the area even potentially suitable for the construction of a monopole at the height needed
4 here. Fill of any kind when designing foundations required to support monopole type
5 structures is less than desirable and can create the need for a much larger non-standard type
6 foundation such as a mat or pad/pier. Furthermore, on June 3rd, 2015, WSDOT
7 communicated to me that the sound wall separating this area from SR 520 is not engineered to
8 allow earth fill next to or against the sound wall. Even were it possible to construct a monopole
9 in this location, the necessary 155 foot tall tower would be approximately 100 feet from homes
10 across 80th Avenue NE in Town of Hunts Point and homes across NE 28th Street in Medina.
11 Finally, placing a wireless communications tower at this location would require approval of
12 both the Bellevue School District (the property owner) and the Bellevue Christian School (the
13 ground tenant here) for a 150 foot tall tower and 60'x20' equipment compound.

14 11. Intervenors' location "C" is described on the maps as "Co-location on Existing
15 Bellevue Christian School Wireless Tower." A physical investigation at this site reveals that
16 there is no monopole or other existing tower type structure of any kind, let alone one suitable
17 for colocation. The only structure at this location is the main Bellevue Christian School
18 building, a single story building, no more than approximately 30 feet tall. There are existing
19 AT&T antennas side mounted on the building, below the roofline along the top portion of the
20 single story building. Moreover, the very low height of the building would not provide the
21 necessary height to provide coverage for T-Mobile. Area C is located significantly downhill
22 from Fairweather Park, at an elevation that would require an approximately 150 foot tall tower
23 for T-Mobile to equal the coverage achieved by the 80 foot pole in the Park. (See Conroy Reply
24 Decl.). Constructing a new tower on top of the Bellevue Christian School building could not be
25 accomplished, as the school building is not structurally capable of supporting a 150 foot tall
26 tower. Placing a tower directly adjacent to the school building, as depicted on the Respect
27 Medina map would interfere with other structures adjacent to the main building, as well as

1 presenting many of the same challenges identified above with respect to the school parking lot
2 location.

3 12. Intervenor's location "D", "SR 520 Park & Ride Access Road Right of Way",
4 presents a number of constructability problems that render this location unusable for
5 installation of a wireless tower:

6 a. First, area "D" is at a lower elevation than the proposed Fairweather Park
7 location; it would therefore require an approximately 100 foot tall tower.
8 (Conroy Reply Decl.)

9 b. Second, significant space and practical constraints exist, including: (i) the
10 area is too small to accommodate the necessary equipment enclosure--after
11 WSDOT completes construction of the Park & Ride based on the review of
12 their design presented by WSDOT during our site walk conducted on June
13 3rd, 2015, only a small area will be left for an equipment shelter, not large
14 enough to accommodate a multi-carrier shelter (60'x 20'); (ii) as depicted in
15 the attached photograph (attached as Exhibit A hereto), the only area
16 available for tower construction would be bounded by the red and white sign
17 sitting on the ground slightly down the access road and by the middle set of
18 two orange cones moving up the access road. WSDOT has informed me that
19 the current WSDOT access road area cannot be used because that area will
20 be walled off and inaccessible after the WSDOT construction is complete.

21 c. Third, this location would place a 100 foot tall tower on the edge of
22 Evergreen Point Rd, approximately 100 feet from the house across the street,
23 and I have been informed by the City's Planning Director, Mr. Grumbach,
24 that the residents of those houses have already communicated to the City of
25 Medina that they are opposed to a tower in this location;

26 d. Finally, this site would not be available to start building for one or two years
27 due to SR 520 construction.

1 13. In the Declaration of John DeFeo he discussed location "E" which he describes
 2 in Paragraph 10 as WSDOT property anticipated to be used for road maintenance once 520
 3 improvements complete. I personally inspected the area of "Location E" with WSDOT on June
 4 3rd. Location E will not be available until SR 520 construction is complete a year or two from
 5 now. It is not lawful under the City of Medina code to construct a tower tall enough to meet T-
 6 Mobile's needs at this location. Moreover, the site would place a tower directly adjacent to
 7 several homes.

8 14. In his Declaration Mr. DeFeo also speculates about an "on the lid" site. He
 9 asserts that "a good location would be just above the east portal of the eastbound lanes, and that
 10 a tower at this location would not have "any notable" impact on any residential areas". Based
 11 on my past construction experience it is a highly unlikely that any "on the lid" design would be
 12 a viable candidate to support a tower or any equipment that was not designed into WSDOT's
 13 structural design. It is complete and sheer speculation to suggest that WSDOT would allow any
 14 entity to excavate into a just-constructed roadway lid to construct a tower.

15 15. The current proposed location actually is designed to increase the playable area
 16 surface square footage by being built on the current unusable slope area of the Park. It is not
 17 designed in the "middle of the park" or "middle of a playfield" as called out by DeFeo in his
 18 Declaration at paragraphs 10 and 12.

19 16. I declare under penalty of perjury under 28 U.S.C. § 1746 and the laws of the
 20 State of Washington that the foregoing is true and correct.

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1 DATED this 28th day of June, 2015 at Bothell, Washington.

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EXHIBIT A

A. *Intervenors' Location "A" -- "UNFORESTED" AREA OF FAIRWEATHER NATURE PRESERVE*



View of Area A looking East

**B. *Intervenors' Location "B"* -- "BELLEVUE CHRISTIAN SCHOOL
PARKING LOT/EXCESS PROPERTY"**



View within trees and of WSDOT sound wall within Area B

C. *Intervenors' Location "C"* – "CO-LOCATION ON 'EXISTING' BELLEVUE CHRISTIAN SCHOOL 'WIRELESS TOWER'"



Bellevue Christian School Building – No tower structure exists

D. *Intervenors' Location "D"* – "SR 520 PARK & RIDE ACCESS ROAD RIGHT OF WAY"

